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Rahul Pathak Pennie & Edmonds 1155 Avenue of the Americas New York, NY 10039-2711

In re Application of SCHNELL et al. Application No.: 10/070,343 PCT No.: PCT/EP00/08587

Int. Filing Date: 02 September 2000 Priority Date: 04 September 1999

Attorney Docket No.: 1803-334-999 For: SYSTEM FOR THERMOCYCLING OF

FLUIDS IN CARTRIDGES

: DECISION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

On 02 September 2000, applicant filed international application No. PCT/EP00/08587, which claimed a priority date of 04 September 1999 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 March 2001.

On 22 December 2000, a Demand was filed with the International Preliminary Examining Authority electing the United States. As a result the deadline for payment of the basic national fee was extended to expire in 30 months from the priority date, or on 04 March 2002.

On 28 February 2002, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 15 May 2002, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration and the surcharge for filing the oath/declaration was required. Applicants were also advised, *inter alia*, that they must provide an initial or substitute computer readable form of the Sequence Listing and an initial or substitute paper copy or compact disc of the "Sequence Listing", as well as an amendment directing its entry into the specification.

On 14 August 2002, applicants filed a "Response to Notification of Missing Requirements under 35 U.S.C. 371" with an executed declaration and power of attorney.

On 16 September 2002, applicants filed a supplemental paper to "Response to Notification of Missing Requirements under 35 U.S.C. 371" indicating that after review of the application as filed, no disclosure of nucleotide and/or peptide sequences were found, which must be disclosed.

On 10 January 2003, a Notification of Defective Response (FORM PCT/DO/EO/916)

Application No.: 10/070,343

was mailed to applicants indicating that the required sequence listing pursuant to 37 CFR 1.821-1.825 was not submitted.

On 23 January 2003, applicants filed a Response to Notification of Defective Response indicating that the specification, claims or drawings did not disclose any nucleotide and/or amino acid sequences and requesting withdrawal of the requirement.

## **DISCUSSION**

A review of the application file reveals that all of the 35 U.S.C. 371 requirements have been met, upon submission of the executed declaration on 14 August 2002.

The Notice of Defective Response (FORM PCT/DO/EO/916) mailed on 10 January 2003 was erroneously issued and will be vacated.

## **CONCLUSION**

The Notice of Defective Response (FORM PCT/DO/EO/916) mailed on 10 January 2003 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is 14 August 2002.

Cynthia M. Kratz Attorney Advisor

PCT Legal Office

CMK:cmk

Telephone: (703) 306-5467 Facsimile: (703) 308-6459

Conshia M. Kesty